

Art Unit: 2445

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-5, 13, 15-18, 24, and 26-30 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: Applicant claims the transmission of heartbeat acknowledgment messages with a sequence of state information transmitted within the heartbeat acknowledgment message, and retrieving state information for heartbeat acknowledgement messages. This is not taught in the prior art.
3. Applicant's remarks of 1/26/2009, page 16-17, are a clear disavowal that the subject matter of claims 13, 24, and 26-29 are embodied as software per se. "In other words, the 'receiver' and 'transmitter' can not be software alone." Remarks, page 17. Therefore, Applicant has disavowed software per se for claims 13, 24, and 26-29, and the claims are statutory under 35 U.S.C. 101.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Zandy, Victor et al. "Reliable Network Connections." MOBICOM '02. September 2002. Atlanta, GA. ACM Press, 2002. 95-106.
6. Castro, Miguel et al. "SplitStream: High-Bandwidth Multicast in Cooperative Environments." SOSP '03. October 2002. Bolton Landing, NY. ACM Press, 2003. 298-313.
7. Butt, Ali Raza et al. "Economical Fault-Tolerant Networks." Linux Journal. June 2000. Volume 2000 Issue 74es. Specialized Systems Consultants, Inc. 6 pages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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